

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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MICHAEL LIPFORD, individually  
and on behalf of all similarly situated,

Plaintiff(s),

- v -

Civ. No. 1:15-CV-1174  
(BKS/DJS)

ATLAS RAILROAD CONSTRUCTION, LLC,

Defendant.

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**APPEARANCES:**

MORGAN & MORGAN  
*Attorney for Plaintiff(s)*  
20 N. Orange Ave. Ste. 1600  
Orlando, FL 32801

JONES DAY  
*Attorney for Defendant*  
901 Lakeside Ave.  
Cleveland, OH 44114

**OF COUNSEL:**

BERNARD R. MAZAHARI, ESQ.

COREY CLAY, ESQ.

**DANIEL J. STEWART**  
**United States Magistrate Judge**

**DECISION and ORDER**

On October 26, 2015, Counsel for the Plaintiff Michael Lipford filed a Motion for Conditional Certification and Facilitation of Court Authorized Notice, pursuant to 29 U.S.C. § 216(b). Dkt. No. 15.<sup>1</sup> On November 16, 2015 a joint notice was filed with the Court

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<sup>1</sup>A United States Magistrate Judge has the authority to rule on a motion to authorize a collective action. *Harper v. Gov't Empl. Ins. Co.*, 826 F. Supp. 2d 454 (E.D.N.Y. 2011); *Ruggles v. Wellpoint, Inc.*, 591 F. Supp. 2d 150 (N.D.N.Y. 2008).

indicating that the Defendant Atlas Railroad Construction, LLC, had agreed to stipulate to conditional certification. Dkt. No. 25. A short time thereafter, on December 3, 2015, the parties submitted a Notice of Agreement which attached a proposed notice pursuant to 29 U.S.C. § 216(b), and a consent to join form. Dkt. Nos. 28, 28-1 & 28-2. Finally, on January 5, 2016, a Rule 16 scheduling conference was held in the case and the parties again confirmed that they had agreed to the conditional certification, notice, and consent.

Accordingly, based upon the proceedings to date and the agreements reached between the parties, it is

**ORDERED**, that the Plaintiff's Motion for Conditional Certification and Facilitation of Court Authorized Notice, pursuant to 29 U.S.C. § 216(b), is hereby **granted on consent**, and it is further

**ORDERED**, that the Notice of Lawsuit, Dkt. No. 28-1, and the Consent to Join Collective Action, Dkt. No. 28-2, **are hereby approved** as to their form and content, and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Decision and Order upon the parties to this action.

Date: January 8, 2016  
Albany, New York



Daniel J. Stewart  
U.S. Magistrate Judge